IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MRS. JUSTICE K.HEMA

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

MFA.No. 1166 of 2000()

OPMV.290/1991 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THALASSERY
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APPELLANT:

LAKSHMY, W/O.NARAYANAN,
AGED 67, NADUMPARAMBATH HOUSE,
PANANGAD AMSOM, POST PANAGAD,
BALUSSERI, QUILANDY TALUK,
KOZHIKODE DIST.

BY ADV. SMT.SHERLY CYRIAC

RESPONDENTS:
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1. P.E.SAIDALAVI, AGE NOT KNOWN
S/O.MOHAMED, ETTAPURAM HOUSE,
P.O.FEROKE COLLEGE, KOZHIKODE
(OWNER OF JEEP KRD 9810).

2. K.M.BABU, AGE NOT KNOWN,
S/O.KUNHIKANARAN, KOYILATHUKANDYMETHAL,
PANANGAD BALUSSERI, QUILANDY TALUK,
(DRIVER OF -DO-).

3. NEW INDIA ASSURANCE COMPANY LIMITED,
KOZHIKODE (INSURER OF -DO-).

BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL
SRI.AVM.SALAHUDIN

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 22/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.HEMA,JJ.

M.F.A.NOs. 1166, 1140, 1159, 1161, 1164, 1185, 1202, 1221 and 1253 OF 20O0

Dated this the 22nd day of October, 2007

JUDGMENT

Koshy, J.

In all these cases, claims were dismissed for default of the claimants. It is the case of the petitioners that on 3.12.1993, when the cases were posted, due to traffic snag, they reached the Tribunal only after the case was called, by the time the cases were dismissed for default. We are of the opinion that the matter has to be heard on merit. In the above circumstances, we set aside the award and remand the matter to the Tribunal for de novo consideration. All parties are allowed to adduce evidence before the Tribunal. The Tribunal may post the cases on 17th December, 2007. The parties will appear before that date and they are directed to take notice. The Tribunal may also inform the advocates appeared in the case for the parties regarding the posting date. Since the claims were filed in 1991, Tribunal is directed to dispose of these petition at the earliest.

J.B.KOSHY, JUDGE

K.HEMA, JUDGE

vgs.

J.B.KOSHY & K.HEMA, JJ.

M.F.A.NOs. 1166, 1140, 1159, 1161, 1164, 1185, 1202, 1221 and 1253 OF 2OO0 OF 2002

JUDGMENT

22.10.2007